

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE DISTRICT OF SOUTH CAROLINA

COLUMBIA DIVISION

JOANNA C. BAKER,)	
)	
Plaintiff,)	Civil Action No. 3:06-3397-CMC-BM
v.)	
)	ORDER VACATING STAY
FRANCIS J. HARVEY, Secretary)	AND SCHEDULING ORDER
U.S. Department of the Army,)	
)	
Defendant.)	
_____)	

Plaintiff has filed an amended Complaint, to which Defendant has filed an Answer. Therefore, the order of November 27, 2007 staying this case is hereby **vacated**, and the Clerk is directed to restore this matter to the pending docket.

Pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules of this Court, the following schedule is established for further pretrial management of this case.

1. Plaintiff(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Plaintiff(s) expects to call as an expert at trial and certifying that a written report prepared and signed by the expert including all information required by Fed.R.Civ.P. 26(a)(2)(B) has been disclosed to other parties by August 27, 2008.
2. Defendant(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Defendant(s) expects to call as an expert at trial and certifying that a written report prepared and signed by the expert including all information required by Fed.R.Civ.P. 26(a)(2)(B) has been disclosed to other parties by September 26, 2008.
3. Counsel shall file and serve affidavits of records custodian witnesses proposed to be presented by affidavit at trial no later than September 26, 2008. Objections to such affidavits must be made within fourteen (14) days after the service of the disclosure. (See Fed.R.Evid. 803(6), 902(11), or 902(12) and Local Civil Rule 16.02(D)(3)).
4. Discovery shall be completed no later than November 25, 2008. All discovery requests shall be served in time for the responses thereto to be served by this date. De bene esse depositions must be completed by discovery deadline. No motions relating to discovery shall



be filed until counsel have consulted and attempted to resolve the matter as required by Local Civil Rule 7.02.

5. All other motions, except those to complete discovery, those nonwaivable motions made pursuant to Fed. R. Civ. P. 12, and those relating to the admissibility of evidence at trial, shall be filed on or before December 10, 2008. (Fed. R. Civ. P. 16(b)(2)).
6. Mediation, pursuant to Local Civil Rules 16.04 – 16.12, shall be completed in this case on or before **February 9, 2009**. See Standing Order to Conduct Mediation 4:00-mc-5001, which sets forth mediation requirements and is found on the court's website under Judge Currie's forms (<http://www.scd.uscourts.gov>). At least **thirty (30) days prior to this mediation deadline**, counsel for each party shall file and serve a statement certifying that counsel has: (1) provided the party with a copy of Standing Order to Conduct Mediation; (2) discussed the availability of mediation with the party; and (3) discussed the advisability and timing of mediation with opposing counsel.

IT IS SO ORDERED.



Bristow Marchant
United States Magistrate Judge

Columbia, South Carolina
May 30, 2008

Pursuant to Local Civil Rule 83.I.08, this order is being sent to local counsel only.

Attachments:

- 1) Notice of Availability of United States Magistrate Judge.
- 2) Mediation Form.



UNITED STATES DISTRICT COURT

District of South Carolina

JOANNA C. BAKER,

Plaintiff,

v.

FRANCIS J. HARVEY, Secretary U.S. Department
of the Army,

Defendant.

NOTICE, CONSENT, AND ORDER OF
REFERENCE —
EXERCISE OF JURISDICTION BY A
UNITED STATES
MAGISTRATE JUDGE

Case Number: 3:06-3397-CMC-BM

**NOTICE OF AVAILABILITY OF A UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION**

In accordance with the provisions of 28 U.S.C. 636(c), and Fed. R. Civ. P. 73, you are hereby notified that a United States magistrate judge of this district court is available to conduct any or all proceedings in this case including a jury or nonjury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a magistrate judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a magistrate judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or to the district judge to whom the case has been assigned.

An appeal from a judgment entered by a magistrate judge shall be taken directly to the United States court of appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

**CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES
MAGISTRATE JUDGE**

In accordance with the provisions of 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, the parties in this case consent to have a United States magistrate judge conduct any and all further proceedings in this case, including the trial, order the entry of a final judgment, and conduct all post-judgment proceedings.

Party Represented

Signatures

Date

_____	_____

_____	_____

_____	_____

_____	_____

ORDER OF REFERENCE

IT IS ORDERED that this case be referred to The Honorable _____,
United States Magistrate Judge, to conduct all proceedings and order the entry of judgment in
accordance with 28 U.S.C. § 636(c), Fed. R. Civ. P. 73.

_____	_____
Date	United States District Judge

NOTE: RETURN THIS FORM TO THE CLERK OF THE COURT ONLY IF ALL PARTIES
HAVE CONSENTED ON THIS FORM TO THE EXERCISE OF JURISDICTION BY A
UNITED STATES MAGISTRATE JUDGE.

MEDIATION INITIATION FORM

Case: JOANNA C. BAKER v. FRANCIS J. HARVEY,

C/A No. 3:06-3397-CMC-BM

Please check the applicable box to indicate the status of the above referenced case:

- ☐ case settled prior to or without mediation
- ☐ case dismissed by court or pending ruling on summary judgment motion
- ☐ case to proceed to trial
- ☐ case continued to next term

OR

- ☐ case will be or has been mediated (*complete the following information*):

Mediator Name: _____ Mediator Phone No. _____

Date Mediation Scheduled to Occur *or* Date Mediation Completed: _____

Submitted by: _____ Signature: _____

(Printed name of counsel)

For which party?: _____ Date: _____

(Name of party counsel represents)

Please fax completed form to Danny Mullis, ADR Program Director @ 843-579-1434 or mail to P.O. Box 835, Charleston, SC 29402.